

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TEREL OVERTON,

Plaintiff,

-against-

ANTHONY ANNUCCI, Commissioner, NYS
DOCCS, et al.,

Defendants.

1:23-CV-6908 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 8, 2023, the Court directed Plaintiff, within 30 days, to submit a completed request to proceed *in forma pauperis* (“IFP” or “IFP application”) and prisoner authorization or pay the \$402.00 in fees required to file a civil action in this court. That order specified that failure to comply would result in dismissal of this action. Plaintiff has not filed an IFP application and prisoner authorization or paid the fees. Accordingly, the Court dismisses this action without prejudice and denies any pending motions as moot. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action.

SO ORDERED.

Dated: October 13, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge